

which are in effect on July 1, 1930, shall, after such date, continue in effect as though this section and sections 282a and 282c of this title had not been enacted or until modified, superseded, or repealed by the Commissioner of Narcotics, with the approval of the Secretary of the Treasury.

(f) Proceedings, investigations, and other matters pending on July 1, 1930.

All proceedings, investigations, and other matters pending in or before the former Bureau of Prohibition or the Federal Narcotics Control Board in respect of the administration or enforcement of any laws relating to narcotic drugs shall be continued and brought to final determination before the Bureau of Narcotics. (June 14, 1930, ch. 488, § 3, 46 Stat. 586; June 26, 1930, ch. 623, § 2, 46 Stat. 819; Ex. Ord. No. 6639, Mar. 10, 1934.)

CODIFICATION

Subsecs. (c) and (d) of this section related to the transfer from the Bureau of Prohibition to the Bureau of Narcotics of certain personnel, records, property, and unexpended balances of appropriations available on July 1, 1930. These provisions were supplanted by Ex. Ord. No. 6639, Mar. 10, 1934, which transferred all the rights, powers, etc. of the Attorney General respecting the Prohibition Bureau to the Commissioner of Internal Revenue.

TRANSFER OF FUNCTIONS

With certain specified exceptions, all functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Departments, were transferred to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of this title.

§ 282c. Review of decisions of Commissioner of Narcotics by Secretary of Treasury.

Any person, corporation, association, or partnership aggrieved by any order, rule, or decision of the Commissioner of Narcotics, or by his failure to rule upon or decide any matter presented to him by proper application, may appeal therefrom to the Secretary of the Treasury, under such regulations as he may prescribe, who may affirm, reverse, or modify such action or direct such action to be taken as he may deem equitable and just. (June 14, 1930, ch. 488, § 5, 46 Stat. 587.)

TRANSFER OF FUNCTIONS

With certain specified exceptions, all functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of this title.

Chapter 5.—DEPARTMENT OF JUSTICE

- Sec.
- 291. Establishment of Department.
- 292. Seal.
- 293. Solicitor General.
- 293a. Assistant Solicitor General.
- 294. Deputy Attorney General.
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- 295a. Compensation of Assistant Attorneys General.
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- Sec.
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- 300c. Salary of Director of F. B. I.
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- 305. Publication of opinions.
- 306. Legal services for Departments.
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- 308. Reference of questions to subordinates.
- 309. Conduct and argument of cases by Attorney General and Solicitor General.
- 310. Conduct of legal proceedings.
- 311. Performance of duty by officers of Department.
- 312. Repealed.
- 313. Attendance of counsel.
- 314. Counsel fees restricted.
- 315. Appointment and oath of special attorneys.
- 316. Interest of United States in pending suits.
- 317, 318. Repealed.
- 319. Requisitions.
- 320. Disbursement of moneys.
- 321. Repealed.
- 322. Records of office of General Counsel for the Department of the Treasury.
- 323, 324. Repealed.
- 325. False reports of collectors.
- 326. Discovery of frauds.
- 327. Repealed.
- 328. Report of moneys recovered.
- 329—331. Repealed.
- 332. Proceedings in equity in cases of Post Office Department.
- 333. Report of business and statistics.
- 334—339. Repealed.
- 340. Division of Identification and Information; establishment; duties; cost of maintenance and operation.
- 341. Appropriations available for administrative expenses; notarial fees; meals and lodging of bailiffs in attendance upon juries.
- 341a. Same; transfer expenses of prisoners sent to narcotic farms.
- 341b. Same; investigation of United States marshals and attorneys, clerks of courts, etc.
- 341c. Same; membership in International Commission of Criminal Police; expenses of unforeseen emergencies of a confidential character.
- 341d. Same; Immigration Service expenses.
- 341e. Procurement of law books, reference books, and periodicals; sale and exchange.
- 341f. Federal penal or correctional institutions; acquisition of adjacent land.
- 341g. Same; disposition of cash collections for meals, laundry, etc.

## IMMIGRATION AND NATURALIZATION SERVICE

Sec.

- 342. Immigration and Naturalization Service.
- 342a. Control of Immigration.
- 342b. Commissioner of Immigration and Naturalization; office.
- 342c. Officers and employees; overtime services; extra compensation; length of working day.
- 342d. Same; extra compensation; payment.
- 342e. Same; disposition of money received as extra compensation.
- 342f. Same; employment of interpreters.
- 342g. Special immigration inspectors at Washington.
- 342h. Administration of alien contract laws.
- 342i. Officer and clerk enforcing alien contract labor laws.
- 342j. Finality of decisions of immigration officers.
- 342k. Lease of immigrant station at Charleston.
- 342l. Prevention of transportation in foreign commerce of alien women and girls under international agreement; Commissioner designated as authority to receive and preserve information.

## IMMIGRATION AND NATURALIZATION SERVICE

The Immigration and Naturalization Service of Department of Labor (including Office of Commissioner of Immigration and Naturalization) and its functions were transferred to Department of Justice, to be administered under direction and supervision of Attorney General; and functions and powers of Secretary of Labor relating to administration of said service and its functions or to administration of immigration and naturalization laws were transferred to Attorney General, by 1940 Reorg. Plan No. V, eff. June 14, 1940, set out under section 133t of this title.

## § 291. Establishment of Department.

There shall be at the seat of government an executive department to be known as the Department of Justice, and an Attorney General, who shall be the head thereof. (R. S. § 346.)

## DERIVATION

Act Sept. 24, 1789, ch. 20, § 35, 1 Stat. 92; act June 22, 1870, ch. 150, § 1, 16 Stat. 162.

## TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out below.

## REORGANIZATION PLAN NO. 2 OF 1950

Eff. May 14, 1950, 15 F. R. 3173, 64 Stat. 1261, as amended July 5, 1952, ch. 369, ch. XI, § 1101, 66 Stat. 121

## DEPARTMENT OF JUSTICE

## § 1. TRANSFER OF FUNCTIONS TO THE ATTORNEY GENERAL

(a) Except as otherwise provided in subsection (b) of this section, there are hereby transferred to the Attorney General all functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) [section 1001 et seq. of this title] in hearing examiners employed by the Department of Justice, nor to the functions of the Federal Prison Industries, Inc., of the Board of Directors and officers of the Federal Prison Industries, Inc., or of the Board of Pardon.

## § 2. PERFORMANCE OF FUNCTIONS OF THE ATTORNEY GENERAL

The Attorney General may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Justice of any function of

the Attorney General, including any function transferred to the Attorney General by the provisions of this reorganization plan.

## § 3. DEPUTY ATTORNEY GENERAL

The title of "the Assistant to the Attorney General" is hereby changed to "Deputy Attorney General."

## § 4. ASSISTANT ATTORNEY GENERAL

There shall be in the Department of Justice one additional Assistant Attorney General, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall assist the Attorney General in the performance of his duties, and who shall receive compensation at the rate prescribed by law for other Assistant Attorneys General. The office of Assistant Solicitor General, created by section 16 (a) of the Act of June 16, 1933 (48 Stat. 307) [section 1001 et seq. of this title], is hereby abolished, but the incumbent thereof immediately prior to the taking of effect of the provisions of this reorganization plan shall without reappointment be the first Assistant Attorney General in office under the provisions of this section.

## § 5. ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL

There shall be in the Department of Justice an Administrative Assistant Attorney General, who shall be appointed, with the approval of the President, by the Attorney General under the classified civil service, who shall perform such duties as the Attorney General shall prescribe, and who shall receive compensation at the rate of \$14,800 per annum.

## § 6. INCIDENTAL TRANSFERS

The Attorney General may from time to time effect such transfers within the Department of Justice of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

## § 292. Seal.

The seal heretofore provided for the office of the Attorney General shall be, with such change as the President shall approve, the seal of the Department of Justice. (R. S. § 353.)

## DERIVATION

Act Mar. 5, 1872, ch. 30, § 2, 17 Stat. 35.

## § 293. Solicitor General.

There shall be in the Department of Justice an officer learned in the law, to assist the Attorney General in the performance of his duties, called the Solicitor General, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to basic compensation at the rate of \$17,500 per annum. In case of a vacancy in the office of Attorney General, or of his absence or disability, the Solicitor General shall have power to exercise all the duties of that office. (R. S. § 347; July 16, 1914, ch. 141, §§ 1, 6, 38 Stat. 497, 509; Mar. 3, 1917, ch. 163, § 1, 39 Stat. 1110; Feb. 27, 1925, ch. 364, title II, 43 Stat. 1025; Oct. 15, 1949, ch. 695, § 3, 63 Stat. 880.)

## DERIVATION

Act June 22, 1870, ch. 150, § 2, 16 Stat. 162.

## AMENDMENTS

1949—Act Oct. 15, 1949, increased compensation of Solicitor General from \$10,330 to \$17,500.

## EFFECTIVE DATE OF 1949 AMENDMENT

The increased compensation provided for by act Oct. 15, 1949, took effect on the first day of the first pay period which began after Oct. 15, 1949, by the provisions of

section 9 of said act Oct. 15, 1949, which is set out as a note under section 3 of this title.

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

### § 293a. Assistant Solicitor General.

#### ABOLISHMENT OF OFFICE

The office of Assistant Solicitor General, created by this section, act June 16, 1933, ch. 101, § 16 (a), 48 Stat. 307, was abolished by 1950 Reorg. Plan No. 2, § 4, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title, which further provided that the incumbent of such office immediately prior to May 24, 1950, should, without reappointment, be the First Assistant Attorney General in office under the provisions of section 4 of such Plan. See, also, note under section 295 of this title.

### § 294. Deputy Attorney General.

The President is authorized to appoint, by and with the advice and consent of the Senate a Deputy Attorney General, whose basic compensation shall be at the rate of \$17,500 per annum. (Mar. 3, 1903, ch. 1006, § 1, 32 Stat. 1062; Oct. 22, 1913, ch. 32, 38 Stat. 218; Feb. 27, 1925, ch. 364, title II, 43 Stat. 1025; Oct. 15, 1949, ch. 695, § 3, 63 Stat. 880; 1950 Reorg. Plan No. 2, § 3, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261.)

#### AMENDMENTS

1949—Act Oct. 15, 1949, increased compensation of the Deputy Attorney General from \$10,330 to \$17,500 per annum.

#### EFFECTIVE DATE OF 1949 AMENDMENT

The increased compensation provided for by act Oct. 15, 1949, took effect on the first day of the first pay period which began after Oct. 15, 1949, by the provisions of section 9 of said act Oct. 15, 1949, which is set out as a note under section 3 of this title.

#### CHANGE OF TITLE

The title of "the Assistant to the Attorney General", which was the office established by this section, was changed to "Deputy Attorney General" by 1950 Reorg. Plan No. 2, set out in note under section 291 of this title.

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

### § 295. Assistant Attorneys General.

There shall be in the Department of Justice seven officers, learned in the law, called the Assistant Attorneys General, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall assist the Attorney General and Solicitor General in the performance of their duties. (R. S. § 348; July 11, 1890, ch. 667, § 1, 26 Stat. 265; Mar. 3, 1903, ch. 1006, 32 Stat. 1062; July 16, 1914, ch. 141, § 1, 38 Stat. 497; Mar. 4, 1915, ch. 141, §§ 1, 6, 38 Stat. 1038, 1049; June 16, 1933, ch. 101, § 16,

48 Stat. 307; Mar. 2, 1943, ch. 7, 57 Stat. 4; 1950 Reorg. Plan No. 2, § 4, eff. May 24, 1950, 15 F. R. 1261, 64 Stat. 1261.)

#### DERIVATION

Act June 22, 1870, ch. 150, § 2, 16 Stat. 162; act Feb. 25, 1871, ch. 72, 16 Stat. 432.

#### AMENDMENTS

1943—Act Mar. 2, 1943, increased the number of assistant attorneys general from five to six.

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

#### FIRST ASSISTANT ATTORNEY GENERAL

The office of Assistant Solicitor General, created by section 293a of this title, was abolished by 1950 Reorg. Plan No. 2, § 4, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title, which further provided that the incumbent thereof immediately prior to May 24, 1950, should, without reappointment, be the first Assistant Attorney General in office under the provisions of section 4 of such Plan.

#### ADMINISTRATIVE ASSISTANT ATTORNEY GENERAL

The office of "Administrative Assistant Attorney General" was created by 1950 Reorg. Plan No. 2, § 5, 15 F. R. 3174, 64 Stat. 1261, set out in note under section 291 of this title, which further provided that he should be appointed, with the approval of the President, by the Attorney General under the classified civil service, that he should perform such duties as the Attorney General shall prescribe, and that he should receive compensation at the rate of \$14,000 per annum.

#### ADDITIONAL ASSISTANT ATTORNEY GENERAL

An additional Assistant Attorney General, to be appointed by the President, by and with the advice and consent of the Senate, to assist the Attorney General in the performance of his duties, and to receive compensation at the rate prescribed for other Assistant Attorneys General, was provided for in 1950 Reorg. Plan No. 2, set out in note under section 291 of this title.

### § 295a. Compensation of Assistant Attorneys General.

The basic compensation of the Assistant Attorneys General shall be at the rate of \$15,000 per annum. (Oct. 15, 1949, ch. 695, § 5 (a), 63 Stat. 880; 1950 Reorg. Plan No. 2, § 4, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261.)

#### CODIFICATION

The words "and the Assistant Solicitor General" were deleted on authority of 1950 Reorg. Plan No. 2, which abolished the office. See note set out under section 295 of this title.

#### EFFECTIVE DATE

The increased compensation provided for by act Oct. 15, 1949, took effect on the first day of the first pay period which began after Oct. 15, 1949, by the provisions of section 9 of said act Oct. 15, 1949, which is set out as a note under section 3 of this title.

### § 295b. Administrative Assistant Attorney General; filling position; compensation; grade.

The position of Administrative Assistant Attorney General established by Reorganization Plan Numbered 2 of 1950, shall be filled without reference to section 1310 of Public Law 253 of the Eighty-second Congress, as amended, shall be subject to the Classi-

fication Act of 1949 as amended, shall be placed in the highest grade set forth in the general schedule of such Act without regard to section 1105 (b) of this title, and shall be in addition to the number of persons authorized to be placed in such grade under section 1105 (b) of this title. (June 5, 1952, ch. 369, ch. XI, § 1101, 66 Stat. 121.)

## REFERENCES IN TEXT

Reorganization Plan No. 2 of 1950, referred to in the text, is set out as a note under section 291 of this title.

Section 1310 of Public Law 253 of the Eighty-second Congress, as amended, referred to in the text, is set out as a note under section 43 of this title.

The Classification Act of 1949, as amended, referred to in the text, is classified to chapter 21 of this title.

Such act, referred to in the text, refers to the Classification Act of 1949 as amended.

**§ 296. Assistant Attorney General in charge of customs matters; deputy; special attorneys.**

There shall be appointed by the President, by and with the advice and consent of the Senate, an Assistant Attorney General, who shall exercise the functions of his office under the supervision and control of the Attorney General of the United States, and who shall be paid a salary of \$15,000 per annum; and there shall also be appointed by the Attorney General of the United States a Deputy Assistant Attorney General and four attorneys. Said attorneys shall act under the immediate direction of said Assistant Attorney General, or, in case of his absence or a vacancy in his office, under the direction of said Deputy Assistant Attorney General, and said Assistant Attorney General, Deputy Assistant Attorney General, and attorneys shall have charge of the interests of the Government in all matters of reappraisal and classification of imported goods and of all litigation incident thereto, and shall represent the Government in all the courts and before all tribunals wherein the interests of the Government require such representation.

But the Attorney General may, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such special attorneys and counselors at law in the conduct of customs cases as he may think necessary to assist said Assistant Attorney General in the discharge of any of the duties incumbent upon him and his said subordinates, and shall stipulate with such attorneys and counsel the amount of compensation and shall have supervision of their conduct and proceedings. (June 10, 1890, ch. 407, § 30, 26 Stat. 142; Aug. 5, 1909, ch. 6, § 28, 36 Stat. 108; Feb. 25, 1910, ch. 62, § 1, 36 Stat. 214; Feb. 27, 1925, ch. 364, 43 Stat. 1025; June 17, 1930, ch. 497, § 651 (d), 46 Stat. 763; Oct. 15, 1949, ch. 695, § 5 (a), 63 Stat. 880.)

## AMENDMENTS

1949—Act Oct. 15, 1949, increased the compensation of the Assistant Attorney General from \$8,000 to \$15,000 per annum.

## EFFECTIVE DATE OF 1949 AMENDMENT

The increased compensation provided for by act Oct. 15, 1949, took effect on the first day of the first pay period which began after Oct. 15, 1949, by the provisions of section 9 of said act Oct. 15, 1949, which is set out as a note under section 3 of this title.

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## REPEALS

Section was excepted from repeal or amendment by the Tariff Act of 1922 (act Sept. 21, 1922, ch. 356, title III, § 321, 42 Stat. 947) and the Tariff Act of 1930. (Act June 17, 1930, ch. 497, title VI, 46 Stat. 763.)

## TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

## CROSS REFERENCES

Basic compensation schedules, see section 1111 et seq. of this title.

Per diem allowance, in lieu of their actual expenses, to officers and employees away on official business, see section 836 of this title.

**§ 297. Solicitor for Interior Department.**

There shall be in the Department of Justice a solicitor for the Interior Department, who shall be appointed by the President, by and with the advice and consent of the Senate. The officer named in this section shall exercise his functions under the supervision and control of the head of the Department of Justice. (R. S. §§ 349, 350; June 19, 1878, ch. 329, § 1, 20 Stat. 205; Mar. 3, 1891, ch. 541, § 1, 26 Stat. 945; Mar. 18, 1904, ch. 716, § 1, 33 Stat. 135; Mar. 4, 1913, ch. 141, § 7, 37 Stat. 738; July 16, 1914, ch. 141, § 1, 38 Stat. 497; Feb. 26, 1926, ch. 27, § 1201, 44 Stat. 126; Feb. 23, 1931, ch. 276, § 30, 46 Stat. 1214; Ex. Ord. No. 6166, §§ 5, 7, June 10, 1933; May 10, 1934, 11:40 a. m., ch. 277, § 512 (b), 48 Stat. 759.)

## DERIVATION

R. S. § 349 from act May 29, 1830, ch. 153, § 1, 4 Stat. 414; act Mar. 3, 1865, ch. 76, § 1, 13 Stat. 468; act July 23, 1866, ch. 208, § 5, 14 Stat. 207; act July 13, 1866, ch. 184, § 64, 14 Stat. 170; act June 22, 1870, ch. 150, §§ 3, 9, 10, 16 Stat. 162, 163; Res. May 27, 1870, No. 66, 16 Stat. 378; act Mar. 3, 1873, ch. 226, 17 Stat. 508.

R. S. § 350 from act Aug. 2, 1861, ch. 37, § 1, 12 Stat. 285; act Aug. 6, 1861, ch. 65, 12 Stat. 327; act June 22, 1870, ch. 150, § 3, 16 Stat. 162.

**§ 297a. Offices of certain General Counsel and solicitors abolished.**

## CODIFICATION

Section, act May 10, 1934, ch. 277, § 512 (b), (c), 48 Stat. 759, abolished the offices of General Counsel for the Bureau of Internal Revenue, Assistant General Counsel for the Bureau of Internal Revenue, Solicitor of the Treasury, and Assistant Solicitor of the Treasury, and transferred their functions to the General Counsel for the Treasury. For duties of the General Counsel for the Treasury, see sections 8930 et seq. of Title 26, Internal Revenue Code.

**§ 298. Special assistant to Attorney General to assist in postal cases.**

The employment of a special assistant to the Attorney General to assist in the defense of cases against the United States arising out of the transportation of the mails, and in other cases or matters affecting the postal revenues, is authorized. (July 28, 1916, ch. 261, § 1, 39 Stat. 413.)

## TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees

of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

### § 299. Officials for investigation of official matters in Departments of Justice and State.

For investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execution of such duties. (July 10, 1952, ch. 651, title II, § 201, 66 Stat. 557.)

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

#### SIMILAR PROVISIONS

The text of this section was taken from the Department of Justice Appropriation Act, 1953. Similar provisions were contained in the following acts:

1951—Oct. 22, 1951, ch. 533, title II, § 201, 65 Stat. 585.  
 1950—Sept. 6, 1950, ch. 896, ch. III, title II, § 201, 64 Stat. 201.  
 1949—July 20, 1949, ch. 354, title II, § 201, 63 Stat. 459.  
 1948—June 3, 1948, ch. 400, title II, § 201, 62 Stat. 318.  
 1947—July 8, 1947, ch. 211, title II, § 201, 61 Stat. 291.  
 1946—July 5, 1946, ch. 541, title II, § 201, 60 Stat. 461.  
 1945—May 21, 1945, ch. 129, title II, § 201, 59 Stat. 184.  
 1944—June 28, 1944, ch. 294, title II, § 201, 58 Stat. 411.  
 1943—July 1, 1943, ch. 182, title II, § 201, 57 Stat. 286.  
 1942—July 2, 1942, ch. 472, title I, § 101, 56 Stat. 481.  
 1941—June 28, 1941, ch. 258, title III, § 301, 55 Stat. 290.  
 1940—May 14, 1940, ch. 189, title III, § 301, 54 Stat. 201.  
 1939—June 29, 1939, ch. 248, title II, 53 Stat. 898.  
 1938—Apr. 27, 1938, ch. 180, title II, 52 Stat. 259.  
 1937—June 16, 1937, ch. 359, title II, 50 Stat. 274.  
 1936—May 15, 1936, ch. 405, title II, 49 Stat. 1322.  
 1935—Mar. 22, 1935, ch. 39, title II, 49 Stat. 78.  
 1934—Apr. 7, 1934, ch. 104, title II, 48 Stat. 537.  
 1933—Mar. 1, 1933, ch. 144, title II, 47 Stat. 1330.  
 1932—July 1, 1932, ch. 361, title II, 47 Stat. 488.  
 1931—Feb. 23, 1931, ch. 280, title II, 46 Stat. 1322.  
 1930—Apr. 18, 1930, ch. 184, title II, 46 Stat. 187.  
 1929—Jan. 25, 1929, ch. 102, title II, 45 Stat. 1108.  
 1928—Feb. 15, 1928, ch. 57, title II, 45 Stat. 78.  
 1927—Feb. 24, 1927, ch. 189, title II, 44 Stat. 1193.  
 1926—Apr. 29, 1926, ch. 195, title II, 44 Stat. 342.  
 1925—Feb. 27, 1925, ch. 364, title II, 43 Stat. 1027.  
 1924—May 28, 1924, ch. 204, title II, 43 Stat. 217.  
 1923—Jan. 3, 1923, ch. 21, title II, 42 Stat. 1080.  
 1922—June 1, 1922, ch. 204, title II, 42 Stat. 613.  
 1921—Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1410.  
 Mar. 1, 1921, ch. 89, § 1, 41 Stat. 1175.

### § 300. Officials for detection and prosecution of crimes.

For the detection and prosecution of crimes against the United States and for the acquisition, collection, classification, and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions, the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execu-

tion of such duties. (July 10, 1952, ch. 651, title II, § 201, 66 Stat. 557.)

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

#### SIMILAR PROVISIONS

The text of this section was taken from the Department of Justice Appropriation Act, 1953. Similar provisions were contained in the following acts:

1951—Oct. 22, 1951, ch. 533, title II, § 201, 65 Stat. 583.  
 1950—Sept. 6, 1950, ch. 896, ch. III, title II, § 201, 64 Stat. 617.  
 1949—July 20, 1949, ch. 354, title II, § 201, 63 Stat. 459.  
 1948—June 3, 1948, ch. 400, title II, § 201, 62 Stat. 318.  
 1947—July 9, 1947, ch. 211, title II, § 201, 61 Stat. 291.  
 1946—July 5, 1946, ch. 541, title II, § 201, 60 Stat. 461.  
 1945—May 21, 1945, ch. 129, title II, 59 Stat. 184.  
 1944—June 28, 1944, ch. 294, title II, 58 Stat. 411.  
 1943—July 1, 1943, ch. 182, title II, 57 Stat. 286.  
 1942—July 2, 1942, ch. 472, title II, 56 Stat. 481.  
 1941—June 28, 1941, ch. 258, title III, 55 Stat. 290.  
 1940—May 14, 1940, ch. 189, title III, 54 Stat. 200.  
 1939—June 29, 1939, ch. 248, title II, 53 Stat. 897.  
 1938—Apr. 27, 1938, ch. 180, title II, 52 Stat. 259.  
 1937—June 16, 1937, ch. 359, title II, 50 Stat. 274.  
 1936—May 15, 1936, ch. 405, title II, 49 Stat. 1322.  
 1935—Mar. 22, 1935, ch. 39, title II, 49 Stat. 77.  
 1934—Apr. 7, 1934, ch. 104, title II, 48 Stat. 537.  
 1933—Mar. 1, 1933, ch. 144, title II, 47 Stat. 1380.  
 1932—July 1, 1932, ch. 361, title II, 47 Stat. 488.  
 1931—Feb. 23, 1931, ch. 280, title II, 46 Stat. 1322.  
 1930—Apr. 18, 1930, ch. 184, title II, 46 Stat. 187.  
 1929—Jan. 25, 1929, ch. 102, title II, 45 Stat. 1108.  
 1928—Feb. 15, 1928, ch. 57, title II, 45 Stat. 78.  
 1927—Feb. 24, 1927, ch. 189, title II, 44 Stat. 1193.  
 1926—Apr. 29, 1926, ch. 195, title II, 44 Stat. 342.  
 1925—Feb. 27, 1925, ch. 364, title II, 43 Stat. 1026.  
 1924—May 28, 1924, ch. 204, title II, 43 Stat. 217.  
 1923—Jan. 3, 1923, ch. 21, title II, 42 Stat. 1080.  
 1922—June 1, 1922, ch. 204, title II, 42 Stat. 613.  
 1921—Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1410.  
 Mar. 1, 1921, ch. 89, § 1, 41 Stat. 1175.

### § 300a. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section, acts June 18, 1934, ch. 595, 48 Stat. 1008, related to authority of Federal Bureau of Investigation agents to serve warrants and make arrests, and is now covered by sections 3052 and 3107 of Title 18, Crimes and Criminal Procedure.

### § 300b. Claims against officers and agents of Federal Bureau of Investigation for damages.

#### CODIFICATION

Section, act Mar. 20, 1936, ch. 159, 49 Stat. 1184, is now covered by section 224b of Title 31, Money and Finance.

### § 300c. Salary of Director of F. B. I.

The compensation of the Director of the Bureau shall be \$20,000 per annum so long as the position is held by the present incumbent. (July 10, 1952, ch. 651, title II, § 201, 66 Stat. 557.)

#### SIMILAR PROVISIONS

Text of section is from the Department of Justice Appropriation Act, 1952. Similar provisions were contained in prior appropriation acts as follows:

1951—Oct. 22, 1951, ch. 533, title II, § 201, 65 Stat. 584.  
 1950—Sept. 6, 1950, ch. 896, ch. III, title II, § 201, 64 Stat. 617.

1949—July 20, 1949, ch. 354, title II, § 201, 63 Stat. 459.  
 1948—June 3, 1948, ch. 400, title II, § 201, 62 Stat. 318.  
 1947—July 9, 1947, ch. 211, title II, § 201, 61 Stat. 291.  
 1946—July 5, 1946, ch. 541, title II, § 201, 60 Stat. 461.  
 1938—June 5, 1936, ch. 529, 49 Stat. 1484.

#### INCREASE IN SALARY

Act Oct. 15, 1949, ch. 695, § 4, 63 Stat. 880, increased the rate of basic compensation from \$14,000 to \$16,000 per annum. The Department of Justice Appropriation Act, 1951, act Sept. 6, 1950, increased the compensation from \$16,000 to \$20,000.

#### § 300c-1. Salary of Associate Director.

The compensation of the Associate Director of the Federal Bureau of Investigation hereafter shall be \$17,500 per annum. (Oct. 22, 1951, ch. 533, title VI, § 606, 65 Stat. 600.)

#### COMPENSATION OF THE ASSOCIATE DIRECTOR OF THE F. B. I.

Section 6 (a) of act Oct. 15, 1949, ch. 695, 63 Stat. 831, increased the basic compensation of the Associate Director from \$10,330 to \$14,000 per annum.

#### § 300d. Availability of appropriations to pay compensation of civil service employees.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee. (July 10, 1952, ch. 651, title II, § 201, 66 Stat. 557.)

#### SIMILAR PROVISIONS

The text of this section was taken from the Department of Justice Appropriation Act, 1952. Similar provisions were contained in the following acts:

1951—Oct. 22, 1951, ch. 533, title II, § 201, 65 Stat. 584.  
 1950—Sept. 6, 1950, ch. 896, ch. III, title II, § 201, 64 Stat. 617.  
 1949—July 20, 1949, ch. 354, title II, § 201, 63 Stat. 459.  
 1948—June 3, 1948, ch. 400, title II, § 201, 62 Stat. 318.  
 1947—July 9, 1947, ch. 211, title II, § 201, 61 Stat. 291.  
 1946—July 5, 1946, ch. 541, title II, § 201, 60 Stat. 462.  
 1945—May 25, 1945, ch. 129, title II, § 201, 59 Stat. 185.  
 1944—June 28, 1944, ch. 294, title II, § 201, 58 Stat. 412.  
 1943—July 1, 1943, ch. 182, title II, § 201, 57 Stat. 287.  
 1942—July 2, 1942, ch. 472, title II, § 201, 56 Stat. 482.

#### § 300e. Employment of personnel.

The Director of the Federal Bureau of Investigation hereafter is authorized, without regard to the Classification Act of 1949, to place twenty positions in grade GS-16 in the General Schedule established by the Classification Act of 1949. (Oct. 22, 1951, ch. 533, title VI, § 606, 65 Stat. 600; July 10, 1952, ch. 651, title II, § 201, 66 Stat. 557.)

#### REFERENCES IN TEXT

The Classification Act of 1949, referred to in the text, is classified to chapter 21 of this title.

#### § 301. Officials for investigation of official acts, records, and accounts of marshals, attorneys, clerks of courts, United States commissioners, referees, and trustees.

##### CODIFICATION

Section, act July 20, 1949, ch. 354, title II, § 201, 63 Stat. 458, was from the Department of Justice Appropriation Act, 1950, was not repeated in the Department of Justice Appropriation Act, 1951, act Sept. 6, 1950, ch. 896, ch. III, title II, 64 Stat. 615, and is now covered by section 341b of this title.

##### SIMILAR PROVISIONS

Similar provisions were contained in the following acts:  
 1948—June 3, 1948, ch. 400, title II, § 201, 62 Stat. 317.  
 1947—July 9, 1947, ch. 211, title II, § 201, 61 Stat. 289.  
 1946—July 5, 1946, ch. 541, title II, § 201, 60 Stat. 459.  
 1945—May 21, 1945, ch. 129, title II, § 201, 59 Stat. 182.

1944—June 28, 1944, ch. 294, title II, § 201, 58 Stat. 408.  
 1943—July 1, 1943, ch. 182, title II, § 201, 57 Stat. 284.  
 1942—July 2, 1942, ch. 472, title II, § 201, 56 Stat. 484.  
 1941—June 28, 1941, ch. 258, title III, § 301, 55 Stat. 293.  
 1940—May 14, 1940, ch. 189, title III, § 301, 54 Stat. 203.  
 1939—June 29, 1939, ch. 248, title II, 53 Stat. 898.  
 1938—Apr. 27, 1938, ch. 180, title II, 52 Stat. 259.  
 1937—June 16, 1937, ch. 359, title II, 50 Stat. 274.  
 1938—May 15, 1936, ch. 405, title II, 49 Stat. 1322.  
 1935—Mar. 22, 1935, ch. 39, title II, 49 Stat. 73.  
 1934—Apr. 7, 1934, ch. 104, title II, 48 Stat. 537.  
 1933—Mar. 1, 1933, ch. 144, title II, 47 Stat. 1380.  
 1932—July 1, 1932, ch. 361, title II, 47 Stat. 489.  
 1931—Feb. 23, 1931, ch. 280, title II, 46 Stat. 1322.  
 1930—Apr. 18, 1930, ch. 184, title II, 46 Stat. 137.  
 1929—Jan. 25, 1929, ch. 102, title II, 45 Stat. 1109.  
 1928—Feb. 15, 1928, ch. 57, title II, 45 Stat. 78.  
 1927—Feb. 24, 1927, ch. 189, title II, 44 Stat. 1194.  
 1926—Apr. 29, 1926, ch. 195, title II, 44 Stat. 343.  
 1925—Feb. 27, 1925, ch. 364, title II, 43 Stat. 1027.  
 1924—May 28, 1924, ch. 204, title II, 43 Stat. 217.  
 1923—Jan. 3, 1923, ch. 21, title II, 42 Stat. 1080.  
 1922—June 1, 1922, ch. 204, title II, 42 Stat. 613.  
 1921—Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1410.  
 Mar. 1, 1921, ch. 89, § 1, 41 Stat. 1175.

#### § 302. Traveling expenses and subsistence of officers.

Whenever the Solicitor General, an attorney, an assistant attorney, a special assistant to the Attorney General, or any other officer of the Department of Justice is sent by the Attorney General to any State, District, Territory, or country to attend to any interest of the United States the person so sent shall receive, in addition to his salary and the necessary expenses of travel, his actual expenses incurred for subsistence, not to exceed \$6 per day while absent from the seat of government, the account thereof to be verified by affidavit. (R. S. § 370; Mar. 4, 1923, ch. 273, 42 Stat. 1503.)

##### REPEALS

Insofar as the provisions of this section relating to subsistence may conflict with those of sections 835-842 of this title they were repealed by section 842 of this title.

##### DERIVATION

Act June 22, 1870, ch. 150, 16 Stat. 162.

##### CROSS REFERENCES

Per diem allowance, in lieu of their actual expenses, to officers and employees away on official business, see section 836 of this title.

#### § 303. Opinions and advice of Attorney General; to President.

The Attorney General shall give his advice and opinion upon questions of law, whenever required by the President. (R. S. § 354; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 241.)

##### DERIVATION

Act Sept. 24, 1789, ch. 20, § 35, 1 Stat. 92.

#### § 304. Same; to heads of executive departments.

The head of any executive department may require the opinion of the Attorney General on any questions of law arising in the administration of his department. (R. S. § 356.)

##### DERIVATION

Act June 22, 1870, ch. 150, § 6, 16 Stat. 163.

#### § 305. Publication of opinions.

The Attorney General shall from time to time cause to be edited, and printed at the Government Printing Office, an edition of one thousand copies

of such of the opinions of the law officers herein authorized to be given as he may deem valuable for preservation in volumes, which shall be, as to size, quality of paper, printing, and binding, of uniform style and appearance, as nearly as practicable, with volume 8 of such opinions, published, by Robert Farnham, in the year 1868. Each volume shall contain proper headnotes, a complete and full index, and such footnotes as the Attorney General may approve. Such volumes shall be distributed in such manner as the Attorney General may from time to time prescribe. (R. S. § 383.)

## DERIVATION

Act June 22, 1870, ch. 150, § 18, 16 Stat. 165.

## § 306. Legal services for Departments.

The officers of the Department of Justice, under the direction of the Attorney General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of departments, and the heads of bureaus and other officers in the departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in the cases provided by section 312 of this title. (R. S. § 361.)

## DERIVATION

Act June 22, 1870, ch. 150, § 14, 16 Stat. 164.

## REFERENCES IN TEXT

Section 312, referred to in the text, was repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948, and is now covered by sections 503, 507 and 508 of title 28, Judiciary and Judicial Procedure.

## § 306a. Same; salaries and expenses in title and condemnation proceedings.

## CODIFICATION

Section, act Apr. 27, 1938, ch. 180, title II, § 1, 52 Stat. 269, which related to the transfer to the Department of Justice for expenses in title examinations and condemnation proceedings of funds available to Federal agencies for the acquisition of lands, was rendered obsolete by act June 29, 1939, ch. 248, title II, 53 Stat. 899, providing that "all unobligated balances, at the close of business on June 30, 1939, of funds transferred to the Department of Justice for payment of salaries and other expenses necessary for the examination of title and prosecution of condemnation proceedings with respect to the acquisition of lands for other departments, independent establishments, or agencies shall be transferred as of said date to the surplus fund of the Treasury, and no funds appropriated to any other department, establishment, or agency shall thereafter be available for transfer to the Department of Justice for said purpose."

## § 307. Legal advice to Army and Navy Departments.

Whenever a question of law arises in the administration of the Department of the Army or the Department of the Navy, the cognizance of which is not given by statute to some other officer from whom the head of the department may require advice, it shall be sent to the Attorney General, to be by him re-

ferred to the proper officer in his department, or otherwise disposed of as he may deem proper. (R. S. § 357; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

## DERIVATION

Act June 22, 1870, ch. 150, § 6, 16 Stat. 163.

## CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

## § 308. Reference of questions to subordinates.

Any question of law submitted to the Attorney General for his opinion, except questions involving a construction of the Constitution of the United States, may be by him referred to such of his subordinates as he may deem appropriate, and he may require the written opinion thereon of the officer to whom the same may be referred. If the opinion given by such officer is approved by the Attorney General, such approval indorsed thereon shall give the opinion the same force and effect as belong to the opinions of the Attorney General. (R. S. § 358.)

## DERIVATION

Act June 22, 1870, ch. 150, § 4, 16 Stat. 162.

## § 309. Conduct and argument of cases by Attorney General and Solicitor General.

Except when the Attorney General in particular cases otherwise directs, the Attorney General and Solicitor General shall conduct and argue suits and appeals in the Supreme Court and suits in the Court of Claims in which the United States is interested, and the Attorney General may, whenever he deems it for the interest of the United States, either in person conduct and argue any case in any court of the United States in which the United States is interested, or may direct the Solicitor General or any officer of the Department of Justice to do so. (R. S. § 359; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54.)

## DERIVATION

Act Sept. 24, 1789, ch. 20, § 35, 1 Stat. 92; act June 25, 1868, ch. 71, § 5, 15 Stat. 75; act June 22, 1870, ch. 150, § 5, 16 Stat. 162.

## § 310. Conduct of legal proceedings.

The Attorney General or any officer of the Department of Justice, or any attorney or counselor specially appointed by the Attorney General under any provision of law, may, when thereunto specifically directed by the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, which United States attorneys may be by law authorized to conduct, whether or not he or they be residents of the district in which such proceeding is brought. (June 30, 1906, ch. 3935, 34 Stat. 816; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

## CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorneys" in lieu of "district attorneys". See section 501 of Title 28, Judiciary and Judicial Procedure.

## CROSS REFERENCES

Supervision by Attorney General of prosecution and defense of all litigation arising under farm housing provisions of Housing Act of 1949, see section 1480 of Title 42, The Public Health and Welfare.



**§ 311. Performance of duty by officers of Department.**

The Attorney General may require any solicitor or officer of the Department of Justice to perform any duty required of the department or any officer thereof. (R. S. § 360.)

**DERIVATION**

Act June 22, 1870, ch. 150, § 14, 16 Stat. 164.

**TRANSFER OF FUNCTIONS**

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

**§ 312. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948.**

Section, R. S. § 363, related to counsel giving aid to district attorneys, and is now covered by sections 503, 507, and 508 of Title 28, Judiciary and Judicial Procedure.

**§ 313. Attendance of counsel.**

Whenever the head of a department or bureau gives the Attorney General due notice that the interests of the United States require the service of counsel upon the examination of witnesses touching any claim, or upon the legal investigation of any claim, pending in such department or bureau, the Attorney General shall provide for such service. (R. S. § 364.)

**DERIVATION**

Act Feb. 14, 1871, ch. 51, 16 Stat. 412.

**§ 314. Counsel fees restricted.**

No compensation shall be allowed to any person, besides the respective United States attorneys and assistant United States attorneys, for services as an attorney or counselor to the United States, or to any branch or department of the Government thereof, except in cases specially authorized by law, and then only on the certificate of the Attorney General that such services were actually rendered, and that the same could not be performed by the Attorney General, or Solicitor General, or the officers of the Department of Justice, or by the district attorneys. (R. S. § 365; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

**DERIVATION**

Act June 22, 1870, ch. 150, § 17, 16 Stat. 164.

**CHANGE OF NAME**

Act June 25, 1948, substituted "United States attorneys" in lieu of "district attorneys". See section 501 of Title 28, Judiciary and Judicial Procedure.

**§ 315. Appointment and oath of special attorneys.**

Every attorney specially retained under authority of the Department of Justice shall be commissioned as special assistant to the Attorney General or special attorney and shall take the oath required by law. Foreign counsel employed in special cases shall not be required to take such oath. (R. S. § 366; Apr. 17, 1930, ch. 174, 46 Stat. 170; June 25, 1948, ch. 646, § 3, 62 Stat. 985.)

**DERIVATION**

Act June 22, 1870, ch. 150, § 17, 16 Stat. 164.

**CODIFICATION**

The first sentence of this section is R. S. § 366, which was derived from the act of June 22, 1870, ch. 150, § 17, 16 Stat. 164.

The last sentence is part of act Feb. 27, 1925, ch. 364, title II, 43 Stat. 1029, which is repeated in acts Apr. 29, 1926, ch. 195, title II, 44 Stat. 346; Feb. 24, 1927, ch. 189, title II, 44 Stat. 1196; Feb. 15, 1928, ch. 57, title II, 45 Stat. 80; Jan. 29, 1929, ch. 102, title II, 45 Stat. 1111.

**AMENDMENTS**

1948—Act June 25, 1948, amended section by omitting provisions relating to special attorneys to assist United States attorneys as such provisions are now covered by sections 503 and 504 of Title 28, Judiciary and Judicial Procedure.

**EFFECTIVE DATE OF 1948 AMENDMENT**

Section 38 of act June 25, 1948, provided that the amendment of this section should be effective as of Sept. 1, 1948.

**§ 316. Interest of United States in pending suits.**

The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in any suit pending in any of the courts of the United States, or in the courts of any State, or to attend to any other interest of the United States. (R. S. § 367.)

**DERIVATION**

Act June 22, 1870, ch. 150, § 5, 16 Stat. 162.

**§§ 317, 318. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948.**

Section 317, R. S. § 362, related to superintending district attorneys and marshals, and is now covered by sections 507 and 547 of Title 28, Judiciary and Judicial Procedure.

Section 318, R. S. § 368, related to accounts of district attorneys, and is now covered by sections 509 and 547 of Title 28, Judiciary and Judicial Procedure.

**§ 319. Requisitions.**

The Attorney General shall sign all requisitions for the advance or payment of moneys appropriated for the Department of Justice, out of the Treasury, subject to the same control as is exercised on like estimates or accounts by the General Accounting Office. (R. S. § 369; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

**DERIVATION**

Act June 22, 1870, ch. 150, § 15, 16 Stat. 164.

**§ 320. Disbursement of moneys.**

All moneys drawn out of the Treasury upon the requisition of the Attorney General shall be disbursed by such one of the clerks in the Department of Justice as the Attorney General may designate. (R. S. § 371.)

**DERIVATION**

Act June 22, 1870, ch. 150, § 11, 16 Stat. 163.

**TRANSFER OF FUNCTIONS**

The function of disbursement of moneys of the United States exercised by any agency except Departments of the Army, Navy, and Air Force, and Panama Canal was transferred to the Treasury Department and, together with the office of Disbursing Clerk of that Department, was consolidated in a Division of Disbursement at the head of which is a Chief Disbursing Officer. See Ex. Ord. No. 6166, § 4, and Ex. Ord. No. 6728 set out in note to section 132 of this title.

Division of Disbursement and certain other offices and agencies and their functions were consolidated into Fiscal



Service of Treasury Department by 1940 Reorg. Plan No. III, § 1 (a), eff. June 30, 1940, set out in note under section 133t of this title.

Disbursement functions of United States marshals were transferred to the Department of Justice to be exercised by United States marshals under the supervision of the Attorney General in accordance with existing statutes pertaining to such functions. See 1940 Reorg. Plan No. IV, § 3, 5 F. R. 2421, 54 Stat. 1231, set out in note to section 133t of this title.

§ 321. Repealed. June 25, 1948, ch. 646, § 7, 62 Stat. 986, eff. Sept. 1, 1948.

Section, act July 31, 1894, ch. 174, § 13, 28 Stat. 210, related to disbursement of judges salaries, and is now covered by section 604 of Title 28, Judiciary and Judicial Procedure.

§ 322. Records of office of General Counsel for the Department of the Treasury.

#### CODIFICATION

Section has been transferred to section 248c of this title.

§§ 323, 324. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948.

Section 323, R. S. § 373; act May 10, 1934, ch. 277, § 512 (b), 48 Stat. 759, related to bonds for suits, and is now covered by section 507 of Title 28, Judiciary and Judicial Procedure.

Section 324, R. S. § 374; act May 10, 1934, ch. 277, § 512 (b), 48 Stat. 759, related to examination of reports of district attorneys and collectors, and is now covered by section 507 of Title 28, Judiciary and Judicial Procedure.

§ 325. False reports of collectors.

Whenever it appears that any collector has made return of any bond as in suit, or delivered for suit, which is not, at the time, in suit, or delivered for suit, or has returned any bond as in suit for the whole amount thereof, when part thereof has been paid to him, or as in suit for more than is actually due thereon, the General Counsel for the Department of the Treasury shall, immediately upon discovery thereof, communicate the facts to the President of the United States. (R. S. § 375; May 10, 1934, ch. 277, § 512 (b), 48 Stat. 759.)

#### DERIVATION

Act May 29, 1830, ch. 153, § 3, 4 Stat. 414.

#### TRANSFER OF FUNCTIONS

With certain specified exceptions, all functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of this title.

§ 326. Discovery of frauds.

The General Counsel for the Department of the Treasury, under the direction of the Secretary of the Treasury, shall take cognizance of all frauds or attempted frauds upon the revenue, and shall exercise a general supervision over the measures for their prevention and detection, and for the prosecution of persons charged with the commission thereof. (R. S. § 376; May 10, 1934, ch. 277, § 512 (b), 48 Stat. 759.)

#### DERIVATION

Act Mar. 3, 1863, ch. 76, § 2, 12 Stat. 739.

#### TRANSFER OF FUNCTIONS

With certain specified exceptions, all functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of this title.

§ 327. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948.

Section, R. S. § 377; act May 10, 1934, ch. 277, § 512 (b), 48 Stat. 759, related to General Counsel of the Treasury prescribing rules respecting suits, and now covered by section 507 of Title 28, Judiciary and Judicial Procedure.

§ 328. Report of moneys recovered.

The General Counsel for the Department of the Treasury shall report all moneys recovered or collected under his direction to the officer from whom the bond or other evidence of debt was received, who shall give proper credit therefor; and he shall report in like manner all credits allowed by due course of law on any suits under his direction. (R. S. § 378; May 10, 1934, ch. 277, § 512 (b), 48 Stat. 759.)

#### DERIVATION

Act May 29, 1830, ch. 153, § 6, 4 Stat. 415.

#### TRANSFER OF FUNCTIONS

With certain specified exceptions, all functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of this title.

§§ 329—331. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948.

Section 329, R. S. § 379; act Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, related to General Counsel of Treasury instructing district attorneys, and is now covered by sections 507 and 547 of Title 28, Judiciary and Judicial Procedure.

Section 330, R. S. § 380; act May 10, 1934, ch. 277, § 512 (b), 48 Stat. 759, related to supervision over suits affecting national banks, and is now covered by section 507 of Title 28, Judiciary and Judicial Procedure.

Section 331, R. S. § 381, related to duties of United States attorneys, and now covered by section 507 of Title 28, Judiciary and Judicial Procedure.

§ 332. Proceedings in equity in cases of Post Office Department.

When proceedings at law for money due the Post Office Department are fruitless, the Department of Justice may direct the institution of a suit in chancery, in any United States district court, to set aside fraudulent conveyances or trusts, or attach debts due the defendant, or obtain any other proper exercise of the powers of equity to have satisfaction of any judgment against such defendant. (R. S. § 382; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

#### DERIVATION

Act June 8, 1872, ch. 335, § 310, 17 Stat. 324.

#### FEDERAL RULES OF CIVIL PROCEDURE

Rule 2 provides that there shall be one form of action to be known as "civil action." See Rules of Civil Pro-

cedure, following section 2072 of Title 28, Judiciary and Judicial Procedure.

### § 333. Report of business and statistics.

It shall be the duty of the Attorney General to make to Congress, at the commencement of each regular session, a report of the business of the Department of Justice for the last preceding fiscal year, and of any other matters appertaining thereto that he may deem proper, including a statement of the several appropriations which may be placed under its control, the amount appropriated, and a detailed statement of the amounts used for defraying the expenses of the United States courts in each judicial district; also the statistics of crime under the laws of the United States, and a statement of the number of causes, civil and criminal, pending during the preceding year in each of the several courts of the United States. (R. S. § 384.)

#### DERIVATION

Act June 22, 1870, ch. 150, § 12, 16 Stat. 164; act Mar. 3, 1873, ch. 238, § 1, 17 Stat. 578.

### §§ 334—337. Repealed. May 29, 1928, ch. 901, § 1, 45 Stat. 989.

Section 334, act June 20, 1874, ch. 328, § 1, 18 Stat. 109, related to reports of expenditure of contingent fund.

Section 335, act June 30, 1879, ch. 52, § 3, 21 Stat. 44, related to reports of payments from appropriations.

Section 336, R. S. 385, related to reports of additional attorneys and counsel employed.

Section 337, act May 28, 1896, ch. 252, § 23, 29 Stat. 185, related to reports of assistants to district attorneys.

### § 338. Repealed. Feb. 12, 1889, ch. 135, § 2, 25 Stat. 661.

Section, R. S. § 386, related to the distribution of statutes and reports to judges, and is now covered by section 411 of Title 28, Judiciary and Judicial Procedure.

### § 339. Repealed. July 10, 1952, ch. 632, § 1, 66 Stat. 540.

Section, R. S. § 387; act May 29, 1928, ch. 901, § 1, 45 Stat. 989, related to distribution of register of statutes and reports.

### § 340. Division of Identification and Information; establishment; duties; cost of maintenance and operation.

There is established under the jurisdiction of the Department of Justice a division of the Federal Bureau of Investigation to be known as the Division of Identification and Information; said bureau shall be vested with the duty of acquiring, collecting, classifying, and preserving criminal identification and other crime records and the exchanging of said criminal identification records with the duly authorized officials of governmental agencies, of States, cities, and penal institutions; and the cost of maintenance and operation of said bureau shall be paid from the appropriation "Detection and prosecution of crimes" for the respective fiscal years concerned, as otherwise provided. (June 11, 1930, ch. 455, 46 Stat. 554; Ex. Ord. No. 6166, § 3, June 10, 1933; Mar. 22, 1935, ch. 39, title II, 49 Stat. 77.)

#### CODIFICATION

Words "Federal Bureau" originally read "Bureau". Ex. Ord. No. 6166 transferred that Bureau's functions to, and consolidated them in, the Division of Investigation of the Department of Justice. Act Mar. 22, 1935, referred to that Division as the "Federal Bureau of Investigation", by which name it was subsequently known.

### § 341. Appropriations available for administrative expenses; notarial fees; meals and lodging of bailiffs in attendance upon juries.

Appropriations now or hereafter provided for the Department of Justice shall be available for payment of (a) notarial fees, including such additional stenographic services as may be required in connection therewith in the taking of depositions, and compensation and expenses of witnesses and informants, all at such rates as may be authorized or approved by the Attorney General or his administrative assistant, and (b) when ordered by the court, actual expenses of meals and lodging for marshals, deputy marshals, or criers when acting as bailiffs in attendance upon juries. (July 28, 1950, ch. 503, § 1, 64 Stat. 380.)

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department, were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

### § 341a. Same; transfer expenses of prisoners sent to narcotic farms.

Appropriations now or hereafter provided for salaries and expenses of United States marshals shall be available for actual and necessary expenses incident to the transfer of prisoners in the custody of such marshals to narcotic farms. (July 28, 1950, ch. 503, § 2, 64 Stat. 380.)

### § 341h. Same; investigation of United States marshals and attorneys, clerks of courts, etc.

The Attorney General is empowered to investigate the official acts, records, and accounts of United States marshals and United States attorneys, and at the request and in behalf of the Director of the Administrative Office of the United States courts those of the clerks of the United States courts and of the district courts of Alaska, Canal Zone, and Virgin Islands, probation officers, referees, trustees and receivers in bankruptcy, United States commissioners and court reporters, for which purpose all the official papers, records, dockets, and accounts of said officers, without exception, shall be examined by agents of the Attorney General at any time. Appropriations now or hereafter provided for the examination of judicial offices shall be available for carrying out the provisions of this section. (July 28, 1950, ch. 503, § 4, 64 Stat. 380.)

### § 341c. Same; membership in International Commission of Criminal Police; expenses of unforeseen emergencies of a confidential character.

Appropriations now or hereafter provided for the Federal Bureau of Investigation shall be available for expenses of membership in the International Commission of Criminal Police and, when so specified in the appropriation concerned, for expenses of unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, who shall make a certificate of the amount of any such expenditure as he may think it advis-

able not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended. None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee. (July 28, 1950, ch. 503, § 5, 64 Stat. 380.)

§ 341d. Same; Immigration Service expenses.

Appropriations now or hereafter provided for the Immigration and Naturalization Service shall be available for payment of (a) hire of privately owned horses for use on official business, under contract with officers or employees of the Service; (b) pay of interpreters and translators who are not citizens of the United States; (c) distribution of citizenship textbooks to aliens without cost to such aliens; (d) payment of allowances (at such rate as may be specified from time to time in the appropriation Act involved) to aliens, while held in custody under the immigration laws, for work performed; and (e) when so specified in the appropriation concerned, expenses of unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, who shall make a certificate of the amount of any such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended. (July 28, 1950, ch. 503, § 6, 64 Stat. 380.)

§ 341e. Procurement of lawbooks, reference books, and periodicals; sale and exchange.

In the procurement of lawbooks, books of reference, and periodicals, the Department of Justice is authorized to exchange or sell similar items and apply the exchange allowances or proceeds of sales in such cases in whole or in part payment therefor. (July 28, 1950, ch. 503, § 3, 64 Stat. 380.)

§ 341f. Federal penal or correctional institutions; acquisition of adjacent land.

When authorized in an appropriation or other law, the Attorney General may acquire land adjacent to any Federal penal or correctional institution if, in his opinion, the additional land is essential to the protection of the health or safety of the inmates of the institution. (July 28, 1950, ch. 503, § 7, 64 Stat. 381.)

§ 341g. Same; disposition of cash collections for meals, laundry, etc.

Collections in cash for meals, laundry, barber service, uniform equipment, and any other items for which payment is made originally from appropriations for the maintenance and operation of Federal penal and correctional institutions, may be deposited in the Treasury to the credit of the appropriation currently available for such items when the collection is made. (July 28, 1950, ch. 503, § 8, 64 Stat. 381.)

#### IMMIGRATION AND NATURALIZATION SERVICE

§ 342. Immigration and Naturalization Service.

There is created and established in the Department of Justice an Immigration and Naturalization

Service. (Feb. 14, 1903, ch. 552, § 4, 32 Stat. 826; June 29, 1906, ch. 3592, § 1, 34 Stat. 596; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737; Ex. Ord. No. 6166, § 14, June 10, 1933; 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F. R. 2423, 54 Stat. 1238.)

#### HISTORY OF IMMIGRATION AND NATURALIZATION AGENCIES

By acts Aug. 3, 1882, ch. 376, §§ 2, 3, 22 Stat. 214; Feb. 23, 1887, ch. 220, 24 Stat. 415 the administration of the immigration laws then in force was reposed in the Secretary of the Treasury. Subsequently, by act Mar. 3, 1891, ch. 551, § 7, 26 Stat. 1087, the office of the Superintendent of Immigration was created as a permanent immigration agency and he in turn was designated Commissioner General of Immigration under the heading "Bureau of Immigration" by act Mar. 2, 1895, ch. 177, § 1, 28 Stat. 780. Upon the establishment of the Department of Commerce and Labor, the Commissioner General of Immigration and the Bureau of Immigration were transferred to that Department by act Feb. 14, 1903, ch. 552, § 4, 32 Stat. 825, and thereafter were redesignated the Bureau of Immigration and Naturalization by act June 29, 1906, ch. 3592, § 1, 34 Stat. 596. The Bureau of Immigration and Naturalization was transferred to the Department of Labor upon its establishment by act Mar. 4, 1913, ch. 141, 37 Stat. 736, and divided into two bureaus to be known as the Bureau of Immigration and the Bureau of Naturalization, respectively. Ex. Ord. No. 6166, § 14, June 10, 1933, set out as note under section 132 of this title, again consolidated these bureaus to form the Immigration and Naturalization Service, under a "Commissioner of Immigration and Naturalization", which was then transferred from the Department of Labor to the Department of Justice by 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F. R. 2423, 54 Stat. 1238, set out as note under section 133t of this title.

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance of the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

#### CROSS REFERENCES

Enforcement of customs and immigration laws along Canadian and Mexican borders, see section 68 of Title 19, Customs Duties.

§ 342a. Control of immigration.

The jurisdiction, supervision, and control over the immigration of aliens into the United States, its waters, territories and any place subject to the jurisdiction thereof, are vested in the Department of Justice. (Feb. 14, 1903, ch. 552, § 7, 32 Stat. 828; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737; 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F. R. 2423, 54 Stat. 1238.)

#### CODIFICATION

Act Mar. 4, 1913, transferred the Immigration Service from the Department of Commerce and Labor to the Department of Labor; and 1940 Reorg. Plan No. V is authority for the substitution of "Department of Justice" for "Department of Labor". See note set out under section 342 of this title.

§ 342b. Commissioner of Immigration and Naturalization; office.

The office of the Commissioner of Immigration and Naturalization is created and established, and the President, by and with the advice and consent of the Senate, is authorized and directed to appoint such officer. The Attorney General shall provide

him with a suitable, furnished office in the city of Washington, and with such books of record and facilities for the discharge of the duties of his office as may be necessary. (Mar. 3, 1891, ch. 551, § 7, 26 Stat. 1085; Mar. 2, 1895, ch. 177, § 1, 28 Stat. 780; Apr. 28, 1904, No. 34, 33 Stat. 591; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737; Feb. 5, 1917, ch. 29, § 23, 39 Stat. 892; Mar. 3, 1917, ch. 163, § 1, 39 Stat. 1118; Mar. 28, 1922, ch. 117, title II, 42 Stat. 486; Jan. 5, 1923, ch. 24, title II, 42 Stat. 1127; Ex. Ord. No. 6166, § 14, June 10, 1933; 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F. R. 2423, 54 Stat. 1238; June 27, 1952, ch. 477, title IV, § 403 (a) (4), 66 Stat. 279.)

## AMENDMENTS

1952—Act June 27, 1952, amended section by omitting the second and fourth sentences relating to the duties of the commissioner and the appointment of an assistant commissioner.

## TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

### § 342c. Officers and employees; overtime services; extra compensation; length of working day.

The Attorney General shall fix a reasonable rate of extra compensation for overtime services of immigration officers and employees of the Immigration and Naturalization Service who may be required to remain on duty between the hours of five o'clock postmeridian and eight o'clock antemeridian, or on Sundays or holidays, to perform duties in connection with the examination and landing of passengers and crews of steamships, trains, airplanes, or other vehicles, arriving in the United States from a foreign port by water, land, or air, such rates to be fixed on a basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond five o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from five o'clock post-meridian to eight o'clock antemeridian) and two additional days' pay for Sunday and holiday duty; in those ports where the customary working hours are other than those heretofore mentioned, the Attorney General is vested with authority to regulate the hours of such employees so as to agree with the prevailing working hours in said ports, but nothing contained in this section shall be construed in any manner to affect or alter the length of a working day for such employees or the overtime pay herein fixed. (Mar. 2, 1931, ch. 368, § 1, 46 Stat. 1467; Ex. Ord. No. 6166, § 14, June 10, 1933; 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F. R. 2423, 54 Stat. 1238; June 27, 1952, ch. 477, title IV, § 402 (i) (1), 66 Stat. 278.)

## AMENDMENTS

1952—Act June 27, 1952, amended section by substituting "immigration officers" in lieu of "inspectors".

## CODIFICATION

Ex. Ord. No. 6166 is authority for the substitution of "Immigration and Naturalization Service" for "Immigra-

tion Service"; and 1940 Reorg. Plan No. V is authority for the substitution of "Attorney General" for "Secretary of Labor." See note set out under section 342 of this title.

## TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

### § 342d. Extra compensation; payment.

The said extra compensation shall be paid by the master, owner, agent, or consignee of such vessel or other conveyance arriving in the United States from a foreign port to the Attorney General, who shall pay the same to the several immigration officers and employees entitled thereto as provided in section 342c of this title. Such extra compensation shall be paid if such officers or employees have been ordered to report for duty and have so reported, whether the actual inspection or examination of passengers or crew takes place or not: *Provided*, That this section shall not apply to the inspection at designated ports of entry of passengers arriving by international ferries, bridges, or tunnels, or by aircraft, railroad trains, or vessels on the Great Lakes and connecting waterways, when operating on regular schedules. (Mar. 2, 1931, ch. 368, § 2, 46 Stat. 1467; 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F. R. 2423, 54 Stat. 1238.)

## CODIFICATION

1940 Reorg. Plan No. V, is authority for the substitution of "Attorney General" for "Secretary of Labor." See note set out under section 342 of this title.

## TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

### § 342e. Disposition of money received as extra compensation.

Moneys collected on or after July 1, 1941, as extra compensation for overtime service of immigration officers and employees of the Immigration Service pursuant to sections 342c and 342d of this title, shall be deposited in the Treasury of the United States to the credit of the appropriation for the payment of salaries, field personnel of the Immigration and Naturalization Service, and the appropriation so credited shall be available for the payment of such compensation. (Aug. 22, 1940, ch. 688, 54 Stat. 858; June 27, 1952, ch. 447, title IV, § 402 (i) (2), 66 Stat. 278.)

## AMENDMENTS

1952—Act June 27, 1952, amended section by substituting "immigration officers" in lieu of "inspectors".

## TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees

of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2 §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

#### § 342f. Employment of interpreters.

Provisions of law prohibiting or restricting the employment of aliens in the Government service shall not apply to the employment of interpreters in the Immigration and Naturalization Service (not to exceed ten permanent and such temporary employees as are required from time to time) where competent citizen interpreters are not available. (July 1, 1943, ch. 182, title II, § 1, 57 Stat. 288; June 28, 1944, ch. 294, title II, § 1, 58 Stat. 413; May 21, 1945, ch. 129, title II, 59 Stat. 186; July 5, 1946, ch. 541, title II, 60 Stat. 463; July 9, 1947, ch. 211, title II, § 201, 61 Stat. 292; act June 3, 1948, ch. 400, title II, § 201, 62 Stat. 316; act July 20, 1949, ch. 354, title II, § 201, 63 Stat. 460; act Sept. 6, 1950, ch. 896, ch. III, title II, § 201, 64 Stat. 618.)

#### CODIFICATION

Section was not repeated in the Department of Justice Appropriation Act, 1951, act Oct. 22, 1951, ch. 533, title II, § 201, 65 Stat. 582.

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

#### § 342g. Special immigrant inspectors at Washington.

Special immigrant inspectors, not to exceed three, may be detailed for duty in the service at Washington. (Mar. 2, 1895, ch. 177, § 1, 28 Stat. 780; Ex. Ord. No. 6166, § 14, June 10, 1933.)

#### CODIFICATION

Ex. Ord. No. 6166, is authority for the substitution of "service" for "bureau." See note set out under section 342 of this title.

#### § 342h. Administration of alien contract laws.

The Commissioner of Immigration and Naturalization, in addition to his other duties, shall have charge, under the Attorney General, of the administration of alien contract labor laws. (Mar. 2, 1895, ch. 177, § 1, 28 Stat. 780; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737; Ex. Ord. No. 6166, § 14, June 10, 1933; 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F. R. 2423, 54 Stat. 1238.)

#### CODIFICATION

Act Mar. 4, 1913, transferred Commissioner from Department of Commerce and Labor to Department of Labor; Ex. Ord. No. 6166, set out as note under section 132 of this title, is authority for the substitution of "Commissioner of Immigration and Naturalization" for "Commissioner General of Immigration"; and 1940 Reorg. Plan No. V, set out as note under section 133t of this title, is authority for the substitution of "Attorney General" for "Secretary of Labor". See note set out under section 342 of this title.

#### § 352i. Officer and clerk enforcing alien contract labor laws.

Sections 39 and 46 of this title shall not be construed to prevent the Attorney General from detailing one officer and one clerk employed for the special duty of enforcing the alien contract labor provisions of the immigration laws, in pursuance of section 109 of Title 8 for duty at the Department of Justice at Washington. (Mar. 4, 1915, ch. 147, § 1, 38 Stat. 1151; 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F. R. 2423, 54 Stat. 1238.)

#### REFERENCES IN TEXT

Section 109 of Title 8, referred to in the text, was repealed by act June 27, 1952, ch. 477, title IV, § 403 (a) (13), 66 Stat. 279, and is now covered by subchapter II of Chapter 12 of Title 8, Aliens and Nationality.

#### CODIFICATION

1940 Reorg. Plan No. V is authority for the substitution of "Attorney General" and "Department of Justice" for "Secretary of Labor" and "Department of Labor," respectively. See note set out under section 342 of this title.

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

#### SIMILAR PROVISIONS

Similar provisions were contained in act Mar. 3, 1901, ch. 853, 31 Stat. 1155.

#### § 342j. Finality of decisions of immigration officers.

In every case where an alien is excluded from admission into the United States under any law or treaty, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Attorney General. (Aug. 18, 1894, ch. 301, § 1, 28 Stat. 390; Feb. 14, 1903, ch. 552, § 7, 32 Stat. 828; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737; 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F. R. 2423, 54 Stat. 1238.)

#### CODIFICATION

1940 Reorg. Plan No. V is authority for the substitution of "Attorney General" for "Secretary of Labor". See note set out under section 342 of this title.

#### SIMILAR PROVISIONS

Similar provisions on this subject were contained in acts Mar. 3, 1891, ch. 551, § 8, 26 Stat. 1085; Mar. 3, 1893, ch. 206, § 5, 27 Stat. 570. Later provisions were contained in acts Mar. 3, 1903, ch. 1012, § 25, 32 Stat. 1220; Feb. 20, 1907, ch. 1134, § 25, 34 Stat. 906.

#### § 342k. Lease of immigrant station at Charleston.

The Attorney General is authorized, in his discretion, to lease for other than governmental purposes the property known as the Charleston immigration station, with the improvements thereon; and said Attorney General shall fix the amount of rental per annum to be paid therefor, which rental shall be a fair and just sum for property of like character, situation, and value and prescribe such conditions regarding the uses to be made of said property as he shall deem proper. All expenses of maintenance and repairs on the building and dock

at said station shall be borne by the lessee or lessees. Any lease executed under this resolution may be terminated and the property reoccupied under such conditions as the Attorney General may prescribe. (Aug. 15, 1919, ch. 50, 41 Stat. 280; 1940 Reorg. Plan No. V, eff. June 14, 1940, 5 F. R. 2423, 54 Stat. 1238.)

#### CODIFICATION

1940 Reorg. Plan No. V is authority for the substitution of "Attorney General" for "Secretary of Labor." See note set out under section 342 of this title.

§ 342*l*. Prevention of transportation in foreign commerce of alien women and girls under international agreement; Commissioner designated as authority to receive and preserve information.

For the purpose of regulating and preventing the transportation in foreign commerce of alien women and girls for purposes of prostitution and debauchery, and in pursuance of and for the purpose of carrying out the terms of the agreement or project of arrangement for the suppression of the white-slave traffic, adopted July 25, 1902, for submission to their respective governments by the delegates of various powers represented at the Paris Conference and confirmed by a formal agreement signed at Paris on May 18, 1904, and adhered to by the United States on June 6, 1908, as shown by the proclamation of the President of the United States dated June 15, 1908, the Commissioner of Immigration and Naturalization is designated as the authority of the United States to receive and centralize information concerning the procurement of alien women and girls with a view to their debauchery, and to exercise supervision over such alien women and girls, receive their declarations, establish their identity, and ascertain from them who induced them to leave their native countries, respectively; and it shall be the duty of said Commissioner of Immigration and Naturalization to receive and keep on file in his office the statements and declarations which may be made by such alien women and girls, and those which are hereinafter required pertaining to such alien women and girls engaged in prostitution or debauchery in this country, and to furnish receipts for such statements and declarations provided for in sections 2141—2144 of Title 18 to the persons, respectively, making and filing them. (June 25, 1910, ch. 395, § 6, 36 Stat. 862; Ex. Ord. No. 6166, § 14, June 10, 1933.)

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of this title.

### Chapter 6.—POST OFFICE DEPARTMENT

- Sec.
- 361. Establishment.
  - 362. Seal.
  - 363. Assistant Postmasters General.
  - 364. Solicitor for Post Office Department.
  - 364*a*. Director of parcel post.
  - 365. Oath of office.
  - 366. Purchasing supplies.
  - 367. No postal material or supplies manufactured by convict labor.

- Sec.
- 368. District and central offices for distribution of supplies.
  - 369. Duties of Postmaster General.
  - 370. Detail of clerks from Postal Service to department.
  - 371. Repealed.
  - 372. Postal arrangements with foreign countries.
  - 373. Same; publication.
  - 374. Blank agency.
  - 375. Foreign dead letters.
  - 376. Date of orders, entries, contracts.
  - 377. Form of bonds and contracts.
  - 378—381. Repealed.
  - 382. Signing warrants and drafts.
  - 383. Remitting fines, penalties, and forfeitures.
  - 384. Same; balances due United States for public moneys under laws relating to Postal Service.
  - 385. Discharge of judgment debtors.
  - 386. Same; subsequent execution.
  - 387. Repealed.
  - 388. Reports of Postmaster General; estimates of revenues and expenditures.
  - 389. Same; mail transportation.
  - 390. Repealed.
  - 391. Publication of Report of Postmaster General.
  - 392. Adjustment and settlement of certain claims for damages to person or property by Postmaster General.
  - 393. Gifts for Post Office Department library; acceptance; taxation; investment.

#### § 361. Establishment.

There shall be at the seat of government an executive department to be known as the "Post Office Department", and a Postmaster General, who shall be the head thereof, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner; and the term of the Postmaster General shall be for and during the term of the President by whom he is appointed, and for one month thereafter, unless sooner removed. (R. S. § 388.)

#### DERIVATION

Act May 8, 1794, ch. 23, § 3, 1 Stat. 357; act June 8, 1872, ch. 335, §§ 1, 2, 17 Stat. 283.

#### COMPENSATION OF SECRETARY

Compensation of Secretary at \$22,500 per annum, see section 3 of this title.

#### EX. ORD. NO. 10154. DESIGNATION OF OFFICERS TO ACT AS POSTMASTER GENERAL

Ex. Ord. No. 10154, Aug. 23, 1950, 15 F. R. 5653, provided: By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (section 6 of this title), and as President of the United States, it is hereby ordered as follows:

In case of the death, resignation, absence, or sickness of both the Postmaster General and the Deputy Postmaster General the officer holding the position highest on the following list who is not absent or under disability to perform the duties of the office of Postmaster General shall perform the duties of that office:

1. Assistant Postmaster General in charge of the Bureau of Post Office Operations.
2. Assistant Postmaster General in charge of the Bureau of Transportation.
3. Assistant Postmaster General in charge of the Bureau of Finance.
4. Assistant Postmaster General in charge of the Bureau of Facilities.

#### § 362. Seal.

The Postmaster General shall keep the seal adopted for his department, which shall be affixed to all commissions of postmasters and others, and used to